

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

VLADISLAV KLYUSHIN
Defendant

CRIMINAL NO. 21-cr-10104-PBS

**RESPONSE TO MOTION FOR PRELIMINARY ORDER OF FORFEITURE FOR
SUBSTITUTE ASSETS IN PARTIAL SATISFACTION OF ORDER OF FORFEITURE**

Now comes the defendant Vladislav Klyushin, by and through undersigned counsel, and hereby respectfully submits this response to the Government's substitute forfeiture request, Dkt. 269.

Upon information and belief, the London, UK property that the government designated for substitute forfeiture in its most recent filing, Dkt. 269, may no longer be titled in Mr. Klyushin's name. To counsel's knowledge, Mr. Klyushin's spouse had requested a transfer of the property from the UK authorities to her name approximately a year ago. Mr. Klyushin does not know the status of the property but believes that the property may no longer be under his ownership or control.

Additionally, while the US-UK MLAT does not confer private substantive rights, US-UK MLAT, art. 1, ¶3, the defense does not believe that the property, which was not alleged to have been purchased with the proceeds of a crime or is alleged to be an instrumentality of crime, could be forfeited under the treaty. Indeed, the plain language of the treaty is limited to assistance “in proceedings involving the identification, tracing, freezing, seizure, or *forfeiture of the proceeds and instrumentalities of crime*” US-UK MLAT, art. 16, ¶1 (emphasis added). Regardless, the

defense believes that the forfeitability of the London, UK property is governed by the laws of the United Kingdom. US-UK MLAT, art. 16, ¶2.

Finally, the defense respectfully requests that in event the property is determined forfeitable under UK law, the final order of forfeiture be stayed pending the outcome of Mr. Klyushin's appeal. Fed. R. Civ. P. 32.2(d).

Respectfully Submitted,
Vladislav Klyushin,
By His Attorney,

/s/ Maksim Nemtsev
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Dated: February 2, 2024

CERTIFICATE OF SERVICE

I, Maksim Nemtsev, hereby certify that on this date, February 2, 2024, a copy of the foregoing documents has been served via Electronic Court Filing system on all registered participants.

/s/ Maksim Nemtsev
Maksim Nemtsev, Esq.